

08-CV-05591-CMP

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON

FILED

RECEIVED

OCT 02 2008

CLERK U.S. DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON AT TACOMADOUGLAS JOHN MARTIN TOBIN

(Name of plaintiff)

No. C08-5591 RJB/JKA

Vs.

CIVIL RIGHTS COMPLAINT
BY A PRISONER UNDER 42
U.S.C. § 1983

STATE OF WASHINGTONPIERCE COUNTY

(Name of Defendants)

I. Previous Lawsuits:

A. Have you brought any other lawsuits in any federal court in the United States while a prisoner: ☐ Yes ☒ No

B. If your answer to "A" is yes, how many? _____ Describe the lawsuit in the space below. (If there is more than one lawsuit, describe the additional lawsuits on another piece of paper using the same outline).

1. Parties to this previous lawsuit:

Plaintiff DOUGLAS JOHN MARTIN TOBIN.Defendants STATE OF WASHINGTON, and PIERCE COUNTY. Individually.

7-4521 ISSUED

2. Court (give name of District) Pierce County Superior court.
3. Docket Number 07-2-12633-9
4. Name of judge whom case was assigned Superior Court Judge GARY STEINER
5. Disposition (For example, was the case dismissed as frivolous or for failure to state a claim? Was it appealed? Is it still pending?)
DISMISSED BECAUSE JUDGE FOUND ERRONEOUS TIME LIMIT.
WAS APPEALED: COURT OF APPEALS DIVISION II. WITHDREW DUE TO STATE INTERFERENCE.
6. Approximate date of filing lawsuit. September 2007
7. Approximate date of disposition. April 18th 2008

II. Place of Present Confinement: Washington Correction Center. Shelton, WA

A. Is there a prisoner grievance procedure available at this institution?

☒ Yes ☐ No

B. Have you filed any grievances concerning the facts relating to this complaint?

☐ Yes ☒ No If your answer is "NO", explain why not:

DOES NOT PERTAIN TO THE DEPARTMENT OF CORRECTIONS

C. Is the grievance process completed? ☐ Yes ☐ No

If your answer is YES, attach a copy of the FINAL Grievance Resolution for Any grievance concerning facts relating to this case.

III. Parties to this Complaint

A. Name of Plaintiff: Douglas Tobin Inmate No: 253648

Address: P.O. BOX 900, Cedar Hall A-12, Shelton, WA 98584
Washington Correction Center

(In item "B" below, place the full name of the defendant, his/her official position, and his/her place of employment. Use item "C" for the names, positions and places of employment of any additional defendants. Attach additional sheets if necessary.)

B. Defendant STATE OF WASHINGTON; official position N/A

Place of employment N/A

C. Additional Defendants; PIERCE COUNTY.

The County and State of Washington are Represented by
the Attorney General of Washington's Patricia Fetterly

IV. Statement of Claim

(State here as briefly as possible the FACTS of your case. Describe how each defendant is involved, including dates, places, and other persons involved. Do not give any legal arguments or cite any cases or statutes. If you allege a number of related claims, number and set forth each claim in a separate paragraph. Attach additional sheets if necessary.)

BASIS OF ACTION.

Plaintiff entered into a Written Agreement and Contract
with the Department of Wildlife, State of Washington,
and Pierce County to Return Seized Property.

STATEMENT OF CLAIMS.

A) That Plaintiff, Douglas John Martin Tobin, is the
Plaintiff in this Complaint for Damages/Lost Property,
and Resides in the State of Washington. His Current Address
is;

DOUGLAS TOBIN #253648, WASHINGTON CORRECTION CENTER.
P.O. BOX 900 Cedar Hall A-12, Shelton, WA. 98584.

B). DEFENDANTS.

1) Defendant (1) is the State of Washington, Itself
due to the Fact it was the State of Washington that
entered into Written Contract Agreement in Title.

Who is Represented by;

ATTORNEY GENERAL: PATRICIA FETTERLY. 7141 Clearwater
Drive SW. - P.O. BOX 40126, Olympia, WA 98504

2) Defendant (2) Is the County of Pierce. Who in
the Name of the State of Washington Entered into a
Written Contract Agreement in Title.

And is Represented by;

ATTORNEY GENERAL: PATRICIA FETTERLY, 7141 Clearwater
Drive SW. - P.O. BOX 40126, Olympia, WA 98504

C) That the Defendant the State of Washington, under
the Color of Law, and its Agents Breached a Written
Contract between Plaintiff, and Defendant.

D) That Defendant Pierce County, and Agents acting
under the Color of Law, did Breach and Violate a
Written Contract between Plaintiff, and Defendant.

SEE ATTACHED PAGES.

V. Relief

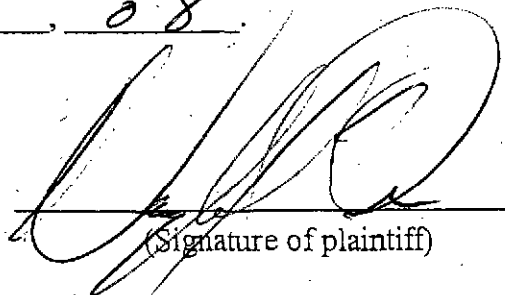
(State briefly exactly what you want the court to do for you. Make no legal
arguments. Cite no cases or statutes.)

Plaintiff asks this court for Damages of \$6.500.000.00
Million Dollars in Damages.

- (1) Plaintiff asks for \$3.000.000.00 Dollars from Defendant's
for Actual Property Lost, Taken, And Seized. JOINTLY
- (2) Plaintiff asks for \$2.000.000.00 Dollars in Interest since
- (3) March 18, 2002. On the Property or set at 12%. JOINTLY
Plaintiff asks the Court for \$1.500.000.00 from Defendant
Pierce County Individually for Punitive Damages. And Direct
Damages.

I declare under penalty of perjury that the foregoing is true and correct.

Signed this 10 day of 1, 08.



(Signature of plaintiff)

CLAIMS CONTINUED.

E) Plaintiff's personal property was Seized by Pierce County for the State of Washington.

F) That as per Agreement Plaintiff was to Receive his Personal Property.

G) That the State of Washington and Pierce County did not Return All the Personal Property Seized.

H) That the Agreement between the Defendants and Plaintiff was not Honored.

I) The Defendant Pierce County Failed to Enforce the Court Ordered Agreement between the State of Washington and Plaintiff.

J) The Defendant's still have/had Plaintiff's Personal Property, or it has been Divided, (between State, WDF, and Pierce county) Lost, Sold, But never Returned to Plaintiff.

STATEMENT OF FACTS.

That on March 18th 2002, Plaintiff was Arrested by Washington Department of Wildlife (WDF hereinafter) and Pierce County Sheriffs. For the crimes of Theft of Geoduck-Crab, and Crab.

The Pierce Sheriff's department and WDF seized Boats and all Related Gear, and personal effects from King County, and Pierce County. Cars, Vans, Trucks, and Personal Property, Bank Accounts, Business Materials, from Pierce, and Mason Counties.

The Total amount of Property taken was in excess of \$2.500.000.00 to \$3.000.000.00 Dollars. (plaintiff believes its more but has never got an accurate seizure list)

On December 10th 2003, more than a Year after seizure, the WDF, State of Washington, and Pierce County came to an Agreement that the State and Pierce County would Return All Personal Property. For Forfeiture of the Boats, And Some Equipment, Alleged Crab Pots. And other items. (nothing specified.)

The Seizure, was Under Cause Number 02-1-01236-3. And then some 10 Months Later, another Charged Crime was Added, and the Forfeiture was Under a Different Cause Number 02-1-05810-0.

Plaintiff's Daughter, when retrieving the Personal Property was given a Few Bags of Garbage by WDF Agents.

She did not know what Property was to be Returned since There had never been an Accurate Statement of Seized Items, not was there Formal Findings as to What Property other than Personal that was to be returned.

During this Time. Plaintiff was on a Direct Appeal (State v. Tobin, 161 Wn.2d 517 (2007)).

Plaintiff Filed a Tort Claim with the State of Washington, based upon the Property that was to be Returned only.

The State Risk Office Denied the Claim. Final Denial was April 26, 2007. Stating that there was a Three (3) Year Time Limit.

Plaintiff, Motioned the Pierce County Superior Court in April 2007 to Terminate the Agreement due to the State's failure to Comply with the Agreement. And the Agreement was Based upon a Cause number in which No Search Warrants Existed.

The Pierce County Superior Court Ignored the Motion. And Plaintiff believes the Court Denied it on July 29th 2007.

Plaintiff then filed a 42 U.S.C. 1983 in the Pierce County Court for Return of All of his Property. Based upon the fact that the State did not Return the Property Agreed too. And that the Seizure was illegal, because it was Based upon Charging Documents, and Search Warrants that did not Exist at the time of the Seizure.

The Defendant's Admitted that there was a Signed Contract.

The Defendant's Admitted they did not Return All Property.

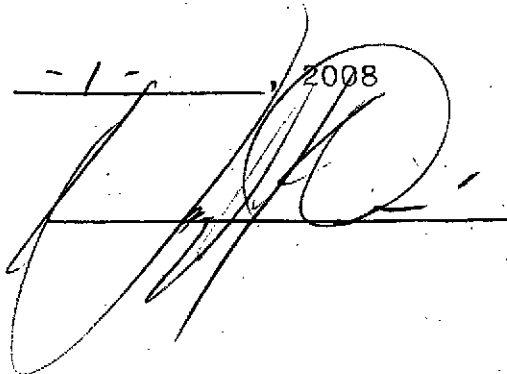
The Pierce County Court on February 15th 2008 Ruled that the Time Limitation of Two Years applied and not did not go by "Contract Agreements of Six Years, of RCW 4.16.040 (liability in written agreements), but by the Forfeiture Time Limit upon a Statute..

Further, the Court only Ruled as to One Defendant and left the other open.!

When Plaintiff tried to Appeal to the Washington Appellate Courts. The Pierce County Court Clerk Blocked all attempts to Retrieve the Records of the Court. And Plaintiff after being threatened with "Fines" "Dismissal" and None Compliance by the Courts withdrew from that Court and is now before this Court.

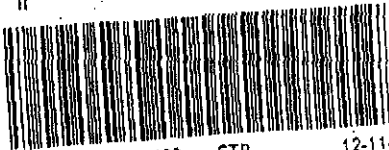
Respectfully

Dated this 10 day of - 1 -, 2008

A large, stylized handwritten signature in black ink, written over a horizontal line. The signature is cursive and appears to be the name of the plaintiff or their legal representative.

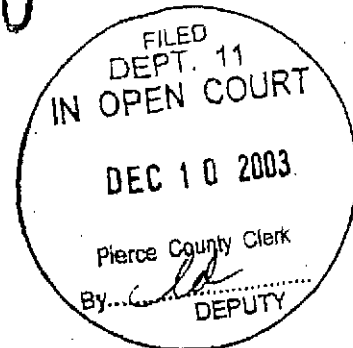
AGREEMENT ON RETURN OF PROPERTY.

20026 12/11/2003 00027



02-1-05810-0 20144627 STP 12-11-03

ORIGINAL



SUPERIOR COURT OF WASHINGTON FOR PIERCE COUNTY

STATE OF WASHINGTON,

Plaintiff,

CAUSE NO. 02-1-05810-0

vs.

DOUGLAS JOHN MARTIN TOBIN,

STIPULATION ON FORFEITURE OF
PROPERTY

Defendant.

The State of Washington represented by Deputy Prosecutor Tom L. Moore and the defendant DOUGLAS JOHN MARTIN TOBIN represented by Attorney Allen Ressler enter into the following stipulation regarding the forfeiture of property, seized pursuant to a series of search warrants served on March 18th, 2002. The defendant was originally served with a Notice of Seizure and Intent to Forfeit Property on March 22nd, 2002, under cause number 02-1-01236-3. The State subsequently filed an Amended Information under this cause number charging the defendant with Leading Organized Crime.

The State and the Defendant reach the following agreement:

The State will release to the defendant or his representative:

~~One pair of binoculars~~

~~\$850.00~~ seized from the defendant's person

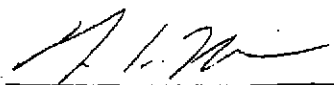
The State's lien on a 1969 Chevrolet Nova, license CV3982

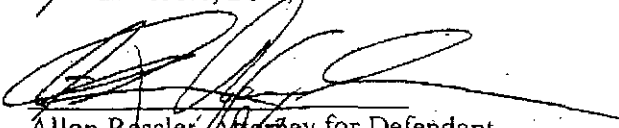
The State's hold on two bank accounts located at Bank of America, Fife Washington, #16492605 and #70458401

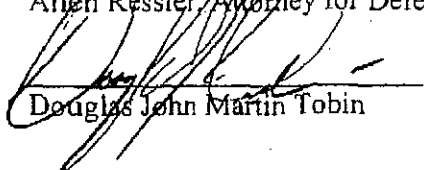
Personal property found on the boat Typhoon to include, medicine bag, clothes, etc.

The rest of the property seized by the State will become the property of the State of Washington, Department of Fish and Wildlife, Statewide Enforcement Program. This includes all property listed in the (Attached) Notice of Intent to Forfeit, except that listed above, and any other property seized listed or not, to include: electronics on the boats seized, commercial fishing gear, and weapons.

28926 12/11/2003 00028

1 
Tom L. Moore, DPA #17542

2
3 
Allen Ressler, Attorney for Defendant

4
5 
Douglas John Martin Tobin

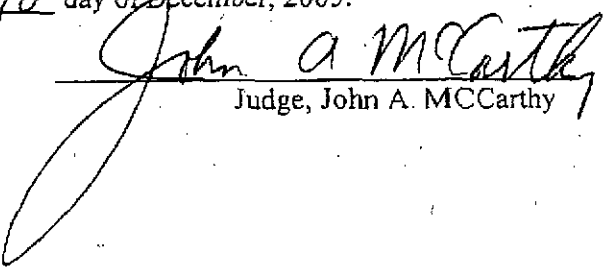
6
7 COURT ORDER

8 The Court being fully advised in this matter and having reviewed the Stipulation
9 of the Parties.

10 NOW HEREOFRE

11 ORDERS that the property listed above shall be forfeited to the State of Washington,
12 Department of Fish and Wildlife, Statewide Enforcement Program, except that property that by
13 Stipulation is to be returned to the defendant.

14 DONE IN OPEN COURT this 10 day of December, 2003.

15 
16 Judge, John A. McCarthy
17
18
19
20
21
22
23
24
25

01/12/2004 18:22 FAX 253 798 7309

PIERCE COUNTY PROS ATTY

11 04
48004

28826 12/11/2003 08029

4/1/2002 2037 00077

FILED
IN COUNTY CLERK'S OFFICE

AM. MAR 29 2008 P.M.

PIERCE COUNTY, WASHINGTON
BY EAY SOUHL CHAIRMAN
IV. DEPUTY

IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON

IN AND FOR THE COUNTY OF PIERCE

STATE OF WASHINGTON,

Plaintiff,

vs.

DOUGLAS JOHN MARTIN TOBIN,

Defendant.

CAUSE NO. 02-1-01216-3

AMENDED NOTICE OF SEIZURE AND
INTENT TO FORFEIT PROPERTY

THE STATE OF WASHINGTON, having filed a criminal case under RCW 9A.82.060(1)(a) and having seized the below listed property. HEREBY, gives notice that pursuant to RCW 9A.82.120 the State of Washington will seek to have the Courts enter an order forfeiting any interest DOUGLAS JOHN MARTIN TOBIN has in the listed property. THE STATE WILL ALSO FILE A CRIMINAL PROFITEERING LIEN ON THE FOLLOWING ASSETS, PERSONAL PROPERTY. OSTENSIBLY OWNED BY DOUGLAS JOHN MARTIN TOBIN, WHO RESIDES AT 602 53RD AVENUE EAST, PIERCE COUNTY, FIFE WASHINGTON, 98424.

NOTICE OF LIEN - I

Office of Prosecuting Attorney
939 Tacoma Avenue South, Room 346
Tacoma, Washington 98402-3171
Main Office: (253) 798-7400

JAN-14-2004 WED 10:24 AM
01/12/2004 18:22 FAX 253 788 7309

WDFW SIO MILL CREEK WA
PIERCE COUNTY PROS ATTY

425 379 2324

P. 05
0005

28826 12/11/2582 88938

4/1/2002 2007 88078

02-1-01236-3

PROPERTY

IDENTIFICATION

✓ 1969 Chevrolet, Nova

Wa. Lic. CV3982

Vin. #113279W402918, registered to

DOUGLAS JOHN MARTIN TOBIN

7 1992 Ford, Econoline, van

Wa. Lic. 18663H, registered to DOUGLAS

JOHN MARTIN TOBIN

✓ 1995 Ford, van

Wa. Lic. A97175B registered to

DOUGLAS JOHN MARTIN TOBIN

12 1983 GMC, van

Wa. Lic. 247KNT registered to

DOUGLAS JOHN MARTIN TOBIN

✓ 1991 Isuzu, van

Wa. Lic. 0268XY registered to DOUGLAS

JOHN MARTIN TOBIN

✓ 1996 Ford, pickup truck

Wa. Lic. A31306B registered to DOUGLAS

JOHN MARTIN TOBIN

✓ 1984 GMC, Jimmy

Wa. Lic. 961 JGU registered to Carrie B.

Alme, P.O. Box Ashford, Wa. 98304

22 1989 LaConner/ AIDPC42

"TYPHOON", WN 221 SXN, Hull #952867

23 42 ft. Commercial Fishing Vessel

Registered to DOUGLAS JOHN

24 And associated electronics/gear

MARTIN TOBIN

25 1979 Boston Whaler, 20ft.

WN 9792 G Hull # BWL3328AM790

26 With outboard engine

Registered to DOUGLAS JOHN

27 NOTICE OF LIEN - 2

Office of Prosecuting Attorney
920 Tacoma Avenue South, Room 946
Tacoma, Washington 98402-3171
Help Order: (253) 796-7400

01/12/2004 18:22 FAX 253 798 7309

PIERCE COUNTY PROS ATTY

P. 00
0006

20826 12/11/2002 28631
4/1/2002 2837 88879

02-1-01216-3

MARTIN TOBIN

A 17 ft. Aluminum, bowpicker

WN 176 SXN, Hull has "SAM" transom

vessel, center console

In black letters

Two accounts located in Bank

Accounts #16492605 and #70458401

of America, Fife Branch

THE STATE OF WASHINGTON CLAIMS DAMAGES IN THIS MATTER OF IN
EXCESS OF \$3,000,000.00 (3 million dollars).

DATE: 22nd March, 2002

State of Washington



Tom L. Moore, DPA, WSB 17542

NOTICE OF LIEN - 3

Office of Prosecuting Attorney
230 Tacoma Avenue South, Room 900
Tacoma, Washington 98402-2171
Main Office: (253) 798-1600

TORT CLAIM.



STATE OF WASHINGTON
OFFICE OF FINANCIAL MANAGEMENT
RISK MANAGEMENT DIVISION

300 General Administration Bldg • PO Box 41027, Olympia, WA 98504-1027
(360) 902-7303 • Fax (360) 586-1789 • www.ofm.wa.gov

March 26, 2007

Douglas Tobin #253648
Washington Corrections Center
PO Box 900
Shelton WA 98584

Dear Mr. Tobin:

SUBJECT: Claim #47750422

The Risk Management Division, Office of Financial Management, is in receipt of your claim, which was filed in our office on March 22, 2007. Please be advised that the Statute of Limitations for filing tort causes of action is three years. Since the incident described by you occurred over Three years ago, the Statute of Limitations has expired. Therefore, your claim against the State of Washington must be denied.

Sincerely,

K. Cleveland
Investigative Assistant



STATE OF WASHINGTON
OFFICE OF FINANCIAL MANAGEMENT

RISK MANAGEMENT DIVISION

300 General Administration Bldg • PO Box 41027, Olympia, WA 98504-1027

(360) 902-7303 • Fax (360) 586-1789 • www.ofm.wa.gov

April 26, 2007

Douglas Tobin 253648
Washington Corr Center
PO Box 900
Shelton, WA 98584

TO: Douglas Tobin

SUBJECT: Claim # 47750422

The Office of Financial Management, Risk Management Division, is in receipt of your letter dated April 15, 2007, where you allege the statute of limitations has not expired in your case. We disagree, and do believe the statute of limitations apply in your case, thus your claim against the State of Washington will remain denied.

Sincerely,

A handwritten signature in cursive script that reads "K. Cleveland".

K. Cleveland

APPROXIMATE INVENTORY OF ITEMS SEIZED

STATE OF WASHINGTON
DEPARTMENT OF FISH AND WILDLIFE
STATEWIDE INVESTIGATIONS UNIT

SEARCH WARRANT SERVICE RECORD

WARRANT NUMBER:

ISSUING COUNTY:

DATE SERVED:

TIME SERVED:

TIME CLEARED:

03-18-02

0744

BUSINESS/DEFENDANT:

ADDRESS SEARCHED:

SEARCH TEAM MEMBERS:

O'Hagen/ DUTIES: Search of electronics
Rhoden/Jewell DUTIES: Identify & Record Typhoon gear
Schroder/Andrew DUTIES: " " " "

DUTIES:

DUTIES:

DUTIES:

DUTIES:

DUTIES:

DUTIES:

DUTIES:

PERSONS/VEHICLES PRESENT AT SITE (CITED/SEIZED?):

EVIDENCE SEIZED (GENERAL):

NOTES/COMMENTS:

NOV-27-2002 12:31 FROM:

TO:13609022155

P.1

VCP

Name/BLUE RAVEN DANCING VIN/952867

10 Mar 2004

Vessel Critical Profile

Lt. O'Leary
WDFW

Name/ BLUE RAVEN DANCING

Primary VIN/ 952867

Call/

Flag/ US

Alt VIN's

Type

952867

Official Number

T-1069

Hull Number

—Involved Parties—

Role	Name	Party Id
Flag State	UNITED STATES	833031
Operator	DOUGLAS L. BLANKENSHIP	303234
Managing Owner	DOUGLAS TOBIN	663517
Managing Owner (Trustee)	DOUGLAS TOBIN	663517

—Vessel Specifics—

Service/ Commercial Fishing Vessel	Gross Tons(GT ITC)	Hailing Port/ GIG HARBOR, WA
Propulsion/	Gross Tons(GRT)/ 15	Date Keel Laid/
oute/ :	Deadweight Ton/	Date Delivered/
Ahead HorsePower/	Length/ 42 (ITC)/	Hull Material/ Aluminum
Astern HorsePower/	Super Structure Color/	Hull Color/
Class/ Fishing Vessel	Type/ Fish Catching Vessel	SubType/ General

—VDS Documents—

Document	Activity #	Agency	Port	Issued	Expires	Status
CERTIFICATE OF DOCUMENTATION		USCG	CO2VD	02May2002	31May2003	EXPIRED

—Certificate/Document Status—

Document	Activity #	Agency	Port	Issued	Expires	Status
Fishing Vessel Decal	859702	USCG	JUNMS	18May1994		VALID

—Hazardous Cargo Authority—

Vessel is NOT Authorized to carry Hazardous Cargo

END

SQUAXIN ISLAND TRIBE APPLICATION FOR BOAT REGISTRATION

Registered Owner: Douglas John Tobin
(first) (middle) (last)

Address: 602 53 RD Ave E Fife 98424
(street) (apt.#) (city) (zip code)

Legal Owner: Same Address: _____

Boat Name: Sam Mod-Year _____ Make North west Work
Boat
Series/Body Alum HIN# _____ Prev-Reg-No _____

Prev-Title-No _____ Coast Guard Documentation# _____

County of Moorage Pierce Boat Type: Fish Variety: HN / MC

Cabin Color X Boat Color Alum - Gray Length 18

Comment: _____

I certify that the above information is true and correct to the best of my knowledge.

SIGNATURE

DATE

FOR OFFICE USE

New ☐ Renewal ☐ Transfer ☒

Reg-No. WN-22A -SXN Decal-No D 784288 Month-Reg. 01 Reg-Exp. 06

ID Number 44 221 Type GN / Dive Variety HN / MC Color White / Alum / Gray Length 44'

AUTHORIZED SIGNATURE

DATE

SQUAXIN ISLAND TRIBE APPLICATION FOR BOAT REGISTRATION

Registered Owner: Douglas Sohn Tobin
(first) (middle) (last)

Address: 11414 Nipond Dr NW Si. g Harbor, WA 98329
(street) (apt. #) (city) (zip code)

Legal Owner: SeaFirst Bank Address: 2010 NW Market St.
Seattle WA 98107

(Typhoon) La Panner Laconnere
Boat Name: Blue Raven Dancing Mod-Year 1989 Make Aluminum

Series/Body AIDFC 42 HIN# 952867 Prev-Reg-No same

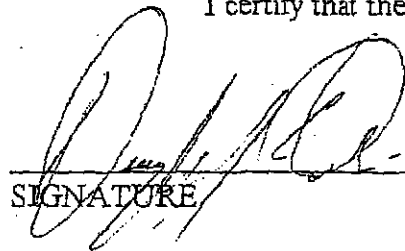
Prev-Title-No _____ Coast Guard Documentation# 952867

County of Moorage Pierce Boat Type: Stern-Guns Variety: HN / MC

Cabin Color Aluminum Boat Color Aluminum Length 42'

Comment: Will call in new Coast Guard #

I certify that the above information is true and correct to the best of my knowledge.



SIGNATURE

6-3-97

DATE

FOR OFFICE USE

New ☒ Renewal ☐ Transfer ☐

Reg-No: WN-201 -SXN Decal-No: D277354 Month Reg. 6 Reg-Exp. 4/98

ID Number: 4422 Type: GN S / Dive Variety: HN MC Color: Silvery/white Length: 42'



AUTHORIZED SIGNATURE

6-3-97

DATE



SQUAXIN ISLAND TRIBE

New: _____ Renewal: X Transfer: _____

TREATY VESSEL TITLE/REGISTRATION APPLICATION

REG-NO	DECAL-NO	REG-EXP	YEAR	MO-REG
WN-221-SXN	D284365	6/01	2000	9

MOD-YEAR	MAKE	SERIES/BODY	HIN #
1989	LaConner	AIDFC42	952867

COUNTY OF MOORAGE	PREV-REG-NO	PREV-TITLE-NO	STATE
Gig Harbor	N/A	N/A	WA

COMMENT:	
----------	--

REGISTERED OWNER	LEGAL OWNER
Doug Tobin 602 53 rd Ave E. Fife, WA 98424	SAME

I CERTIFY THAT THE INFORMATION CONTAINED HEREON IS ACCURATE AND COMPLETE

SIGNATURE OF REGISTERED OWNER (s)

SUBSCRIBED AND SWORN TO BEFORE THIS 21 DAY OF Sept, 2000

Elizabeth I. Yeahquo
Elizabeth I. Yeahquo
NOTARY PUBLIC in and for the
STATE OF WASHINGTON, COUNTY OF MASON

My appointment expires: 7-11-03

VESSEL TITLE/REGISTRATION APPLICATION
THIS APPLICATION IS NOT PROOF OF OWNERSHIP

Disposition of Tobin / Toulouk Sfd. Evidence

Pg 1

Date	Item/Evid#	Description	Disposition	GA Auth#
04/02/2004		2 Heavy Duty Coat Hangers	WDFW Corliss	
04/02/2004		1 pair-Rubber Boots	WDFW Corliss	
04/02/2004		3 Geoduck Cages	WDFW Dive Team	
05/16/2004		1990 225hp Evinrude Motor	State Surplus	04-0826
09/29/2004	3540	16 Misc. Keys & Rings	Released to Prosecutor	
09/29/2004	3541	18 Misc. Keys & Rings	Released to Prosecutor	
09/29/2004		Compaq Presario, 500 Series CP (Ser# 1X06DTY811S2)	Released to Prosecutor	
04/02/2004		3 Harvest Bags	WDFW Dive Team	
04/02/2004		Gray Plastic Water Tight Case; Repair Kit	WDFW Dive Team	
04/02/2004		Assorted Stainless Steel clips & fasteners	WDFW Dive Team	
	0002	Misc. keys	Held	Rtn?
	0008	Misc. keys	Held	Rtn?

Vehicles

08/02/2002		1995 Ford Econoline Van (A97175B)	Reposessed/Released	
04/30/2002		1984 Maroon/White GMC Jimmy (961 JGU)	Returned/Released	
05/17/2004		1983 GMC Van (VIN# 2GTEG25HXD4508271)	State Surplus	04-0833

Boats

05/16/2004		1979 Boston Whaler (VIN# BWL5328AM79G)	State Surplus	04-0834
XX/XX/2004		17ft Aluminum Bowpicker skiff "WN 176 SXN" named "SAM"	WDFW Fish Program	
		F/V Typhoon	Held	

Dive Gear

04/02/2004	C-0010	Atlantis Underwater Camera/Monitor (SN# J90900620)	Assigned to WDFW 160	
04/02/2004	T-007	Green tote; 2 Harveys Dive Suits; 3 Nit hoods; 1 Tuff wear bag	WDFW Dive Team	
04/02/2004	A002	Bag with 2 Harveys Dive Helmets with manifolds; regulators compass, nylon bag with undergarments; gloves; portable lights 2 rubber pack supports	WDFW Dive Team	

Pg 2

GA Auth#

Disposition

Description

Date Item/Evid#

Crab Pots

04/09/2004	6123	DOT MARE	Crab Pot	State Surplus
04/09/2004	6124		Crab Pot	State Surplus
04/09/2004	6125		Crab Pot	State Surplus
04/09/2004	6126		Crab Pot	State Surplus
04/09/2004	6127		Crab Pot	State Surplus
04/09/2004	6128		Crab Pot	State Surplus
04/09/2004	6129		Crab Pot	State Surplus
04/09/2004	6130		Crab Pot	State Surplus
04/09/2004	6131		Crab Pot	State Surplus
04/09/2004	6132		Crab Pot	State Surplus
04/09/2004	6133		Crab Pot	WDFW Dive Team
04/09/2004	6134		Crab Pot	State Surplus
04/09/2004	6135		Crab Pot	State Surplus
04/09/2004	6136		Crab Pot	State Surplus
04/09/2004	6137		Crab Pot	State Surplus
04/09/2004	6138		Crab Pot	State Surplus
04/09/2004	6139		Crab Pot	State Surplus
04/09/2004	6140		Crab Pot	State Surplus
04/09/2004	6141		Crab Pot	State Surplus
04/09/2004	6142		Crab Pot	State Surplus
04/09/2004	6143		Crab Pot	State Surplus
04/09/2004	6144		Crab Pot	State Surplus
04/09/2004	6145		Crab Pot	State Surplus
04/09/2004	6146		Crab Pot	State Surplus
04/09/2004	6147		Crab Pot	State Surplus
04/09/2004	6148		Crab Pot	WDFW Dive Team
04/09/2004	6149		Crab Pot	WDFW Dive Team
04/09/2004	6158		Crab Pot	State Surplus
04/09/2004	6159		Crab Pot	State Surplus
04/09/2004	6160		Crab Pot	WDFW Dive Team
04/09/2004	6161		Crab Pot	State Surplus
04/02/2004	6162		Crab Pot	WDFW Dive Team
04/02/2004	6163		Crab Pot	WDFW Dive Team

nine still out there - 300

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GA Auth#

Disposition

Description

Item/Evid#

Date

Crab Pots

04/02/2004	No Tag	Crab Pot	WDFW Dive Team
04/09/2004	6165	Crab Pot	State Surplus
04/09/2004	6166	Crab Pot	WDFW Dive Team
04/09/2004	6167	Crab Pot	State Surplus
04/09/2004	6168	Crab Pot	WDFW Dive Team
04/09/2004	6169	Crab Pot	State Surplus
04/09/2004	6170	Crab Pot	WDFW Dive Team
04/02/2004	6171	Crab Pot	WDFW Dive Team
04/09/2004	6172	Crab Pot	WDFW Dive Team
04/09/2004	6173	Crab Pot	WDFW Dive Team
04/09/2004	6174	Crab Pot	State Surplus
04/09/2004	6175	Crab Pot	WDFW Dive Team
04/02/2004	6176	Crab Pot	WDFW Dive Team
04/09/2004	6177	Crab Pot	State Surplus
04/09/2004	6178	Crab Pot	WDFW Dive Team
04/09/2004	6179	Crab Pot	State Surplus
04/02/2004	6180	Crab Pot	WDFW Dive Team
04/02/2004	No Tag	Crab Pot	WDFW Dive Team
04/09/2004	6182	Crab Pot	WDFW Dive Team
04/09/2004	6183	Crab Pot	WDFW Dive Team
04/09/2004	6184	Crab Pot	State Surplus
04/09/2004	6185	Crab Pot	WDFW Dive Team
04/02/2004	6186	Crab Pot	WDFW Dive Team
04/09/2004	6187	Crab Pot	WDFW Dive Team
04/09/2004	6188	Crab Pot	WDFW Dive Team
04/09/2004	6189	Crab Pot	WDFW Dive Team
04/02/2004	6190	Crab Pot	WDFW Dive Team
04/02/2004	6191	Crab Pot	WDFW Dive Team
04/02/2004	6192	Crab Pot	WDFW Dive Team
04/02/2004	6193	Crab Pot	WDFW Dive Team
04/02/2004	6194	Crab Pot	WDFW Dive Team
04/02/2004	6195	Crab Pot	WDFW Dive Team
04/09/2004	6196	Crab Pot	WDFW Dive Team
04/09/2004	6484	Crab Pot	State Surplus

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GA Auth#

Disposition

Description

Item/Evid#

Date

Crab Pots

04/02/2004	6561	Crab Pot	WDFW Dive Team	
04/09/2004	6562	Crab Pot	WDFW Dive Team	
04/02/2004	6563	Crab Pot	WDFW Dive Team	
04/02/2004	6564	Crab Pot	WDFW Dive Team	
04/02/2004	6565	Crab Pot	WDFW Dive Team	
04/02/2004	6566	Crab Pot	WDFW Dive Team	
04/09/2004	6567	Crab Pot	WDFW Dive Team	
04/09/2004	6568	Crab Pot	WDFW Dive Team	
04/09/2004	6569	Crab Pot	WDFW Dive Team	
04/09/2004	6570	Crab Pot	WDFW Dive Team	
04/09/2004	6571	Crab Pot	WDFW Dive Team	
04/09/2004	6572	Crab Pot	State Surplus	
04/09/2004	6573	Crab Pot	WDFW Dive Team	
04/02/2004	6574	Crab Pot	WDFW Dive Team	
04/02/2004	6575	Crab Pot	WDFW Dive Team	
04/02/2004	6576	Crab Pot	WDFW Dive Team	
04/02/2004	6577	Crab Pot	WDFW Dive Team	
04/02/2004	6578	Crab Pot	WDFW Dive Team	
04/02/2004	6579	Crab Pot	WDFW Dive Team	
04/02/2004	6580	Crab Pot	WDFW Dive Team	
04/02/2004	6581	Crab Pot	WDFW Dive Team	
04/09/2004	No Tag	Crab Pot	State Surplus	
04/02/2004	6583	Crab Pot	WDFW Dive Team	
04/02/2004	6584	Crab Pot	WDFW Dive Team	
04/09/2004	6585	Crab Pot	WDFW Dive Team	
04/02/2004	6586	Crab Pot	WDFW Dive Team	
04/02/2004	6587	Crab Pot	WDFW Dive Team	
04/09/2004	6588	Crab Pot	WDFW Dive Team	
04/02/2004	6589	Crab Pot	WDFW Dive Team	
04/02/2004	6590	Crab Pot	WDFW Dive Team	
04/09/2004	6591	Crab Pot	WDFW Dive Team	
04/02/2004	6592	Crab Pot	WDFW Dive Team	
04/09/2004	6593	Crab Pot	WDFW Dive Team	
04/02/2004	6594	Crab Pot	WDFW Dive Team	

Crab Pots

04/09/2004	6595	Crab Pot	WDFW Dive Team
04/09/2004	6596	Crab Pot	WDFW Dive Team
04/09/2004	6597	Crab Pot	State Surplus
04/02/2004	6598	Crab Pot	WDFW Dive Team
04/09/2004	6599	Crab Pot	State Surplus

GPS Units & Cellular Phones & Radios

	?	Garmin GPS MAP 220 (Ser# 54202222) & cable	Held
	?	Garmin GPS MAP 176 (Ser# 78002045)	Held
	0001	(J-001) Standard Submersible Portable Radio	Held
	0015	(P-001) Radio Shack Portable	Held
	0036	(P-003) Panasonic Cellular Phone	Held
	0133	(T-005) Nokia Cellular Phone	Held
	0134	(T-005) Car Charger for Nokia Cellular Phone	Held
	1618	(C-005) Panasonic Cellular Phone/Blk case & 12v charger	Held
	1963	(L-001) Standard Submersible Portable Radio	Held
	7917	Verizon Cellular Phone & desk charger	Held

Ammunition

	0012	(P-001) (3) .243 bullets & red plastic case holder	Held
	2313	(A-037) Box- 7.65 ARG ammo	Held
	2314	(A-037) Box- 22 magnum ammo	Held
	2315	Ruger .22 Rifle magazine	Held
	2316	(A-037) Box- 22 LR ammo	Held
	2317	(A-037) Box- 22 magnum ammo	Held
	2318	(A-037) Box- 22 magnum ammo	Held
	2319	(A-037) Box- 243 ammo	Held
	2320	(A-037) Box- 22 LR ammo	Held
	2321	(A-037) Box- 22 magnum ammo	Held
	2322	(A-037) Box- 22 magnum ammo	Held
	3051	(B-003) Blk plastic box of .243 Rifle ammo	Held

vessel and seize with out federal law inform
 OR Tribal law enforcement - ??? know
 witness that they boarded - started and skippered
 vessel away - they can not start or run your
 boat - suppose to Tow - Same with skills.
 coast guard escort -

IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON

IN AND FOR THE COUNTY OF PIERCE

STATE OF WASHINGTON,

Plaintiff,

vs.

DOUGLAS JOHN MARTIN TOBIN,

Defendant.

CAUSE NO. 02-1-01236-3

NOTICE OF LIEN

PURSUANT TO RCW 9A.82.120 THE STATE OF WASHINGTON, HAVING FILED A
 CRIMINAL CASE, CLAIMS A CRIMINAL PROFITEERING LIEN ON THE FOLLOWING
 ASSETS, PERSONAL PROPERTY, OSTENSIBLY OWNED BY DOUGLAS JOHN MARTIN
 TOBIN, WHO RESIDES AT 602 53RD AVENUE EAST, PIERCE COUNTY, FIFE WASHINGTON,
 98424.

PROPERTY

1969 Chevrolet, Nova

IDENTIFICATION

Wa. Lic. CV3982

NOTICE OF LIEN - 1

MAR 29 2002 2:35PM HP LKSERJET 3200

02-1-01236-3

1

Vin. #113279W402918, registered to

2

DOUGLAS JOHN MARTIN TOBIN

3

4

1992 Ford, Econoline, van

5

Wa. Lic. 18663H, registered to DOUGLAS

6

JOHN MARTIN TOBIN

7

1995 Ford, van

Wa. Lic. A97175B registered to DOUGLAS

8

JOHN MARTIN TOBIN

9

1983 GMC, van

Wa. Lic. 247KNT registered to DOUGLAS

10

JOHN MARTIN TOBIN

11

12

1991 Isuzu, van

Wa. Lic. 02683Y registered to DOUGLAS

13

JOHN MARTIN TOBIN

14

1996 Ford, pickup truck

Wa. Lic. A31306B registered to DOUGLAS

15

JOHN MARTIN TOBIN

16

17

1984 GMC, Jimmy

Wa. Lic. 961 JGU registered to Carrie S.

18

Ahre, P.O. Box Ashford, Wa. 98304

19

1989 LaConner/ AIDFC42

"TYPHOON", WN 221 SXN, Hull #952867

20

42 ft. Commercial Fishing Vessel

Registered to DOUGLAS JOHN

21

And associated electronics/gear

MARTIN TOBIN

22

23

1979 Boston Whaler, 20ft.

WN 9792 G Hull # BWL5328AM79G

24

With outboard engine

Registered to DOUGLAS JOHN

25

MARTIN TOBIN

26

A 17 ft. Aluminum, bowpicker

WN 176 SXN, Hull has "SAM" transom

27

NOTICE OF LIEN - 2

PROPERTY INVENTORY (continuation sheet)

CITATION/CASE #		NAME: <u>F/V Typhoon</u>	
TAG	PROPERTY DESCRIPTION (Include Serial #)	CUSTODY LOCATION HELD	DISPOSITION
C-001	F/V Typhoon (#N-221-SXN) and all associated engines, compressors, equipment, etc.	Swanton, Olympia	
C-002	Garmin GPS "Map 220" plotter serial # 54202222 w/ manual	Held by WIS8	
C-003	Roll of numerous log sheets containing two (2) photographs of F/V Typhoon & one of Tobin w/ female	JENSELL/CENNY/SABOTON	
C-004	Notebook containing: Treaty Indian Ash tickets, drawing of S. Puget Sound including Fox island, Vashon island, Marry island and Carr inlet, Manila envelope containing certificate of registration for 1999 Lummi Indian Business license, Shellfish operation license from DOW (dated 10-06-98)	JENSELL/CENNY/SABOTON	
C-005	Binasonic cellular telephone serial # 204571AB0DEF		

I hereby acknowledge the receipt of the listed article(s) and that the listed article(s) are in the same condition as when seized.

SIGNED: M. J. W80DATE: 03-18-02

CHAIN OF CUSTODY

DISTRIBUTION OF COPIES: WHITE = Storage Location YELLOW = Captain PINK = Headquarters

If item is DESTROYED or RETURNED TO WATER, then the WHITE and PINK copy are forwarded to Headquarters.

hereby acknowledge the receipt of the listed article(s) and that the listed article(s) are in the same condition as when seized.

DATE:

3/22/02 WJL

If item is DESTROYED or RETURNED TO WATER, then the WHITE and PINK copy are forwarded to Headquarters.

I hereby acknowledge the receipt of the listed article(s) and that the listed article(s) are in the same condition as when seized.

DATE: 1/10/09

X W A Sammons R #55
X C K Radwell R #54

02 of 02

Page of Pages

PROPERTY INVENTORY (Continued)

CITATION/CASE # 01-0011

NAME: TOBIN, DOUG

TAG	PROPERTY DESCRIPTION (Include Serial #)	LOCATION HELD	DISPOSITION
	(2) Turq. Blue Sleep Bags		
	(2) Blu/Blk. Coleman Sleep Bags		
	(2) Red/Wht/Blu Pillows		
	(1) Bedspread type quilt / Flowers		
	(1) Dark Red/Blu quilt		
	(1) Green Blanket		
	(2) Tribal design quilts		
	(7) Throw pillows Seven(7)		
	(2) Bed type pillows		
	(1) Shave Kit		
	(1) Columbia Boots		
	(3) Coats		
	(2) Pants		
	(5) Shirts		
	(10) Hats		
	(1) Colt Brown Shoes		
	(1) Coffee Maker (1) Teapot		
	(1) Box - Misc Kitchen/food consumables		
	(2) Bib Coveralls		
	(1) Outback type Jacket		

I hereby acknowledge the receipt of the listed article(s) and that the listed article(s) are in the same condition as when seized.

SIGNED: _____

DATE: 1/16/04

CHAIN OF CUSTODY

X W. A. Harmon JR. #55
X C. R. Howell #54
01 402

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YELLOW = Captain

PINK = Headquarters

If item is DESTROYED or RETURNED TO WATER, then the WHITE and PINK copy are forwarded to Headquarters.

PIERCE COUNTY COURT RULING.

12024 2/28/2008 00851



07-2-12633-9 20201844 ORGSJ 02-19-08

FILED
DEPT. 10
IN OPEN COURT
FEB 15 2008
Pierce County Clerk
By *[Signature]*
Judge D. Gary Steiner
Department 10
Noted For: February 15, 2008

STATE OF WASHINGTON
PIERCE COUNTY SUPERIOR COURT

DOUGLAS TOBIN,

NO. 07-2-12633-9

Plaintiff,

ORDER GRANTING DEFENDANT
STATE OF WASHINGTON'S
MOTION FOR SUMMARY
JUDGMENT

v.

STATE OF WASHINGTON and
PIERCE COUNTY,

Defendants.

THIS MATTER having come before the Court on the motion of defendant State of Washington, for summary judgment dismissal pursuant to Civil Rule 56 and the defendant being represented by its attorneys of record, Robert M. McKenna, Attorney General, and Assistant Attorney General Patricia C. Fetterly and the plaintiff appearing *his attorney Kenney Sessler* *by and through* and the Court having considered the records and files herein, including:

1. Declaration of Charles Pudwill with Exhibits A-D;
2. Declaration of William Jarmon Jr. with Exhibits A-C;
3. Declaration of Tom L. Moore with Exhibits A-I;

ORDER GRANTING DEFENDANT
STATE OF WASHINGTON'S MOTION
FOR SUMMARY JUDGMENT

CERTIFIED COPY

ATTORNEY GENERAL OF WASHINGTON
Torts Division
7141 Cleanwater Drive SW
PO Box 40126
Olympia, WA 98504-0126
(360) 586-6300

12024 2/20/2008 00052

- 1 4. Declaration of Stacey M. Tobin with Exhibit A;
 2 5. Declaration of Patricia C. Fetterly with Exhibit A;

3 and the Court being fully advised in the premises;

4 NOW, THEREFORE, IT IS HEREBY

5 ORDERED AJUDGED AND DECREED that defendant's State of Washington Motion
 6 for Summary Judgment is GRANTED and the plaintiff's complaint is hereby dismissed with
 7 prejudice as to defendant State of Washington.

8 DONE IN OPEN COURT this 15 day of February, 2008.

9
 10
 11 THE HONORABLE D. GARY STEINER
 12

13 Presented by:
 14 ROBERT M. MCKENNA
 15 Attorney General

16 Patricia C. Fetterly
 17 PATRICIA C. FETTERLY WSBA#8425
 18 Assistant Attorney General
 19 Attorney for State Defendants

20 Approved as to
 21 Form Kenneth Skessler
 22 Kenneth Skessler # 4721

FILED
 DEPT. 10
 IN OPEN COURT
 FEB 15 2008
 Pierce County Clerk
 By [Signature]
 DEPUTY

23
 24
 25
 26
 ORDER GRANTING DEFENDANT
 STATE OF WASHINGTON'S MOTION
 FOR SUMMARY JUDGMENT